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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,862	02/23/2004	Larry D. Owens	23-0340	9447
7590	01/10/2006		EXAMINER	
Jeffrey A. Proehl Leonard & Proehl, Prof. L.L.C 3500 S. First Avenue Circle Suite 250 Sioux Falls, SD 57105-5807			GOINS, DAVETTA WOODS	
			ART UNIT	PAPER NUMBER
			2632	
DATE MAILED: 01/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/784,862	OWENS, LARRY D.	
	Examiner	Art Unit	
	Davetta W. Goins	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 7,9-13 and 20 is/are allowed.
- 6) Claim(s) 1,3-5 and 21 is/are rejected.
- 7) Claim(s) 2,6 and 14-19 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 21 is objected to because of the following informalities: Claim 21, line 11, after the claimed “said signal”, the “.” (period) should be a “;” (semicolon). Appropriate correction is required.

Allowable Subject Matter

2. Claims 7, 9-13, 20 and 21 are allowed.
3. Claims 2, 6 and 14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halleck et al. (US Pat. 6,356,203 B1) in view of Desch (US Pat. 6,078,260).

In reference to claims 1, 3-5, Halleck discloses the claimed motion detection assembly including a coupling assembly configured to be wearable by a child on the child's body for detecting when the child rolls over, which is met by tilt switch unit 300 detects a rotational movement of the child 120 that causes the child 120 to roll over onto his stomach, tilt switch unit 300 sends a signal to controller 320 (col. 11, lines 37-60); the tilt switch unit 300 is located in apparatus 100 worn by child 120 around the waist (Figure 1), and b) the claimed monitoring assembly being configured to operationally interacting with the motion detected by the motion detection assembly and providing an indication when motion is detected by the motion detection assembly, which is met by When controller 20 receives the "rollover" signal from tilt switch unit 300, then controller 320 sends a signal to low frequency microphone sensor 800 via a control signal line (not shown) to initiate the operation of low frequency microphone sensor 800 to monitor the physiological conditions of the child 120. Controller 320 also sends a signal to the caregiver that informs the caregiver that the low frequency microphone sensor 800 has begun to monitor the physiological conditions of the child 120 (col. 11, lines 37-60). Although Halleck does not specifically disclose the claimed monitoring assembly configured to be wearable by a person on the person's body, he does disclose a remote unit base station unit 830 is capable of sounding an alarm if an analysis of the received signals indicates an abnormal condition in the child 120 being monitored. Base station unit 830 comprises speaker 835, which may be activated to sound an alarm (col. 10, lines 31-42). Desch discloses a parent unit 201 may also include a device allowing a parent to comfortably wear the unit 201. As shown in FIG. 2b, the unit 201 preferably includes a belt clip 206 with which the unit 201 can be clipped

to the parent's belt or pocket (Figures 2a & 2b). Since both Halleck and Desch disclose the teaching of transmitting an alarm condition regarding a child to a parent unit, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using a wearable unit for the parent, as disclosed by Desch, with the system of Halleck, to provide for easy portability of the unit while allowing close monitoring of the child.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7 The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. O'Dwyer (US Pat. 5,928,157), which is a reference that disclose baby monitoring devices.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957.

The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Davetta W. Goins
Primary Examiner
Art Unit 2632



D.W.G.

January 5, 2006